

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

KENNETH MALIK MILLER

v.

DAVID DIGUGLIELMO, et al.

:
:
:
:
:

CIVIL ACTION

NO. 07-2686

ORDER

AND NOW, this 30th day of November, 2010, based on the foregoing Memorandum, it is hereby ORDERED as follows:

1. Defendants' motion for summary judgment is **DENIED** with respect to the following claims: (1) Count One, Plaintiff's retaliation claim related to the May 28, 2006 misconduct charge, brought against Dombrosky; and (2) Count Two, Plaintiff's due process claim brought against Dohman and Radle.

2. Judgment is entered in favor of Defendants Thomas Dohman, William Radle, John Moyer, and Ronald Quick and against Plaintiff on Count One, Plaintiff's claim of retaliation.

3. Judgment is entered in favor of Defendants John Moyer, Jason Dombrosky, and Ronald Quick and against Plaintiff on Count Two, Plaintiff's due process claim.

4. A telephone conference will be held with counsel on December 8, 2010 at 10 a.m. Plaintiff's counsel will initiate the call, and when all parties are on the line, counsel will call chambers at 267.299.7520.

BY THE COURT:

S/Michael M. Baylson
Michael M. Baylson, U.S.D.J.